



Request for City Council Committee Action from the Department of Community Planning & Economic Development – Development Services Division

Date: January 31st, 2013

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

Subject: Appeal of the June 7, 2012 decision of the Zoning Board of Adjustment's denial of an Appeal of the Zoning Administrator.

Name of Appellant: Steven Wells

Name of Original Applicant: Steven Wells

Property Address: 2380 West Lake of the Isles Parkway

Ward #: 7

Appeal of decision of the Zoning Board of Adjustment: Steven J. Wells has appealed the decision of the Zoning Board of Adjustment to deny an appeal of the Zoning Administrator's approval of a new single family dwelling located at 2380 West Lake of the Isles Parkway (BZZ 5396), on the contention that the front yard setback was improperly determined.

Recommendation:

The Zoning Board of Adjustment concurred with the recommendation of Planning Staff to deny the appeal of the determination of the Zoning Administrator on June 7, 2012, for the property at 2380 West Lake of the Isles Parkway, Ward #7, as follows:

1. 2380 West Lake of the Isles (BZZ #5551, Ward: 7) (Jake Steen)

Appeal: Application by Steven J. Wells for an appeal of the Zoning Administrator's approval (BZZ 5396) of a new single family dwelling located at 2380 W Lake of the Isles, on the basis that the front yard setback was improperly determined.

Action: The Board of Adjustment **adopted** staff findings and **denied** the appeal of the Zoning Administrator's approval of a new single family dwelling located at 2380 West Lake of the Isles (BZZ 5396), on the contention that the front yard setback was improperly determined.

Previous Directives: None

Prepared by: Jacob Steen, City Planner, 612-673-2264
Approved by: Jason Wittenberg, Planning Manager, 612-673-2297
Presenters in Committee: Steve Poor, Planning Manager/Zoning Administrator, 612-673-5837; Jacob Steen, City Planner, 612-673-2264

Community Impact

- Neighborhood Notification: Kenwood Isles Area Association was notified of the appeal application on June 25, 2012.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On June 1, 2012, staff sent a letter to the applicant extending the City's decision period for an additional 60 days, to August 20, 2012. The applicant has since requested multiple extensions of the 60/120-day clock under Minn. Stat. § 15.99 to end on February 28, 2013.

Background/Supporting Information

Steven J. Wells has appealed the decision of the Zoning Board of Adjustment to deny an appeal of the Zoning Administrator's approval of a new single family dwelling located at 2380 West Lake of the Isles Parkway (BZZ 5396), on the contention that the front yard setback was improperly determined. At its meeting on June 7, 2012, the Board of Adjustment voted 7-0 to adopt staff findings and deny the requested appeal. The appeal (attached) was filed on June 18, 2012. The appellants' complete statement of the actions and reasons for the appeal were originally submitted to the Zoning and Planning Committee at the July 12, 2012 meeting.

This appeal was originally scheduled to be heard by the Zoning and Planning Committee for July 12, 2012. The item was subsequently continued multiple times to provide for further dialogue between the City and the involved parties. During this time, pursuant to the Zoning and Planning Committee's directive, the Zoning Administrator, along with the City Attorney's Office, commissioned an additional survey of the property—a copy of which has been provided to committee members. The Zoning Administrator contends that the certified survey, ordered by the Zoning and Planning Committee, fully supports the determination that the parcel at 2380 West Lake of the Isles is a corner lot with frontage on both Kenwood Parkway and West Lake of the Isles Parkway.